



## Legislation Text

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### Request to Extend Deadline for Cade Museum Agreement (NB)

**Staff is requesting an extension to the December 31, 2013 deadline to execute an agreement for the Cade Museum at Depot Park until June 30, 2014 due to delays in storm water pond construction and a request from the Cade Museum Foundation to change the agreement from a development and disposition agreement to a lease agreement.**

On December 20, 2012, the City Commission authorized the City Attorney to prepare an amendment to the Memorandum of Understanding for the Cade Museum and Depot Park (“MOU”). The MOU was drafted by the City Attorney and executed by the Cade Museum Foundation, Inc. The MOU required the City to submit a draft disposition and development agreement to the Cade Museum Foundation on or before January 31, 2013. It also was the expressed intent that a final agreement be executed no later than December 31, 2013 with an anticipated construction start date no later than October 2, 2015.

Prior to entering into a Development and Disposition Agreement, the City and the CRA, were required by Section 163.380, Florida Statutes, to publicly advertise and invite all interested parties to submit proposals for the disposition and development of the approximately 2.155 acre site located within the City-owned property known as Depot Park for development and operation of a museum, art gallery, and gardens of an educational or cultural interest that is open to the general public. The advertisement was published on May 10, 2013. The closing date for candidates’ application submittal was June 10, 2013.

The CRA received one proposal from the Cade Museum Foundation for a proposed “Cade Museum for Creativity and Invention”. On July 1, 2013, an evaluation committee comprised of CRA and City staff reviewed the proposal and heard a presentation from the applicant. Based on the proposal received the evaluation committee concluded that the proposal met the requirements outlined in the request and recommended that the Cade Museum be selected. The next step was for the City Manager or designee to enter into negotiations for a Development and Disposition Agreement with the Cade Museum Foundation. The final development and disposition agreement will be presented to both the City Commission and the Community Redevelopment Agency Board for approval.

The December 31, 2013 deadline to execute the disposition and development agreement was set with the understanding that storm water pond construction at Depot Park would be complete by this deadline. There have been delays to the storm water pond construction and estimated completion is not until spring 2014.

Staff believes it would be prudent to extend the deadline for execution of the agreement until this construction is complete, in case there are any unforeseen delays, changes to boundaries or other unknown factors that could arise during the course of the storm water pond construction. Staff has discussed this with representatives of the Cade Museum Foundation and all are in agreement with extending the deadline. Additionally, in the June 10, 2013 proposal, the Cade Museum Foundation requested a change of format to the agreement from a development and disposition agreement to a lease agreement, which will require modifications to the previously approved draft agreement and will require additional negotiations.

The proposal received includes requests infrastructure improvements at the site from the City and CRA and a \$150,000 landscape/hardscape building allowance from the CRA. These requests will be the subject of negotiations and will be brought back to the CRA Board and City Commission.

The City Commission authorize an extension of the deadline for final agreement execution until June 30, 2014.

**Alternative Recommendation**

Do not approve the extension. This would result in the City defaulting on the current MOU.